

OFFICE OF THE CITY MANAGER NO. LTC # 090-2008

LETTER TO COMMISSION

e City Commission

TO:

Mayor Matti Herrera Bower and Members of the City Commission

FROM:

Jorge M. Gonzalez, City Manager (

DATE:

March 28, 2008

SUBJECT: ENFORCEMENT ACTIVITY REGARDING ANCHORAGE/

MOORING ORDINANCE 2005-3484

This Letter to the Commission is to inform the Mayor and City Commission of the enforcement of the City's Anchorage/Mooring Ordinance 2005-3483 by the Miami Beach Police Department's Marine Patrol Unit (MPU). This Ordinance enacted in 2005 is intended to discourage operators of vessels from anchoring for non-navigational purposes in the City of Miami Beach waterways beyond seven days. Due to the complexity and exemptions in the Ordinance, there are three procedural enforcement phases to gain compliance. It is important to note and explain these phases to accurately depict the enforcement efforts.

The enforcement of the Ordinance begins when a vessel is observed by MPU personnel anchored and the operator is given a NOTICE which advises the vessel is in City of Miami Beach waterway and restricted to seven (7) consecutive days within a thirty (30) day period. This initial NOTICE outlines that at the end of the seven days, the vessel must be removed within 48 hours or the operator will be subject to fines, civil penalties, removal and impoundment or other penalties as provided by law. If the vessel has not been removed, a NOTICE OF VIOLATION is then issued to the operator which serves as a second warning and reiterates the sanctions that can be imposed by the NOTICE. On the tenth consecutive day, the MPU Officer can issue a CITATION, if the vessel has not been removed which documents the violation and the full force of the Ordinance. The CITATION also outlines the appeal process within 20 days before the City's Special Master.

In addition to these progressive procedural steps to enforcement, there are several exemptions to the Ordinance which the MPU Officers often encounter. These exemptions are the vessel operator's inability to move the vessel due to dangerous weather conditions, illness, or mechanical failure. The exemptions continue to include vessels that are moored or docked at private property with the consent of the property owner, and vessels located within designated anchoring and mooring areas.

Despite these challenges however, the MPU has managed to produce the following enforcement statistics:

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Marine Patrol Unit Anchorage/Mooring Ordinance Enforcement Activity

Month and Year	NOTICES	NOTICE OF VIOLATIONS	CITATIONS
January 2007	70	3	0
February 2007	47	2	0
March 2007	51	1	1
April 2007	27	4	7
May 2007	13	0	0
June 2007	11	0	0
July 2007	3	0	0
August 2007	2	0	0
September 2007	6	0	0
October 2007	5	1	1
November 2007	37	1	0
December 2007	90	0	0
Totals for 2007	362	12	9
January 2008	45	0	0
February 2008	67	2	1
March 2008 to date	14	0	0

In sum, the enforcement of the Ordinance by MPU personnel has been an effective tool in maintaining the City's waterways from the negative effects of live aboard watercraft mooring for excessive periods. The effectiveness of these enforcement efforts are evidenced by the lack of vessels moored in the City of Miami Beach waterways, in comparison to City of Miami waterways. As a result, the MPU has and will continue to be vigilant in their efforts to enforce the Ordinance.

If you have any questions or need additional information, please feel free to contact me.

JMG/CN/MG

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